



13281 U.S. PTO

112003

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22386 U.S. PTO
10/716609



112003

Date: November 20, 2003

Docket No.: 4450-0414P

MS PATENT APPLICATION

Commissioner for Patents

P.O. Box 1450

Alexandria, VA 22313-1450

Sir:

Transmitted herewith for filing is a patent application claiming priority under 35 U.S.C. § 119(e) of Provisional Application No(s). 60/427,741 filed on November 20, 2002.

Inventor(s): SRIDHAR, Balakrishnan; BAO, Jun

For: METHOD AND APPARATUS FOR OPTICAL AMPLIFYING DEVICE GAIN CONTROL WITH GAIN THRESHOLD

Enclosed are:

- ☒ A specification consisting of Twenty-nine (29) pages
- ☒ Seven (7) sheet(s) of formal drawings
- ☒ An assignment of the invention
- ☒ Applicant does not claim priority
- ☐ Applicant claims the right of priority under 35 U.S.C. § 119 based on Application No(s). filed in on .
 - ☐ Certified copy(ies) is(are) attached hereto.
 - ☐ Certified copy(ies) will follow.
- ☒ Executed Declaration (☐ Original ☒ Photocopy)

- ☐ Applicant claims small entity status under 37 C.F.R. § 1.27.
☐ Preliminary Amendment
☐ Application Data Sheet in accordance with 37 C.F.R. § 1.76
☐ Information Disclosure Statement, PTO-1449 and reference(s)
☐ Applicant requests early publication - \$300.00 publication fee
☒ Non-publication Request and Certification under 35 U.S.C. § 122(b)(2)(B)(i)
☐ Other:
☒ Provisional application filed in English:
☒ YES ☐ NO

If "NO," an English translation with a Statement of Accuracy:
☐ is attached hereto ☐ will follow.

The filing fee has been calculated as shown below:

| | | | LARGE ENTITY | SMALL ENTITY |
|---|-----------------|-----------------|--------------------|---------------|
| BASIC FEE | | | \$770.00 | \$385.00 |
| | NUMBER FILED | NUMBER EXTRA | RATE FEE | RATE FEE |
| TOTAL CLAIMS | 31- 20 = | 7 | X 18 = \$198.00 | x 9 = \$0.00 |
| INDEPENDENT CLAIMS | 3- 3 = | 0 | x 86 = \$0.00 | x 43 = \$0.00 |
| <input type="checkbox"/> MULTIPLE DEPENDENT CLAIMS PRESENTED | | | + \$290.00 | + \$145.00 |
| TOTAL | | | \$968.00 | \$0.00 |

- ☒ A check in the amount of \$1008.00 to cover the filing fee and recording fee (if applicable) is enclosed.
☐ Please charge Deposit Account No. 02-2448 in the amount of \$0.00. A triplicate copy of this transmittal form is enclosed.

☒ Please send correspondence to:


BIRCH, STEWART, KOLASCH & BIRCH, LLP or Customer No. 02292
P.O. Box 747
Falls Church, VA 22040-0747
(703) 205-8000

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 02-2448 for any additional fees required under 37 C.F.R. §§ 1.16 or 1.17; particularly, extension of time fees.

Respectfully submitted,

BIRCH, STEWART, KOLASCH & BIRCH, LLP

By


Michael R. Cammarata, #39,491

MRC/cgc
4450-0414P

P.O. Box 747
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Attachment(s)

(Rev. 10/27/03)

☒ Please send correspondence to:

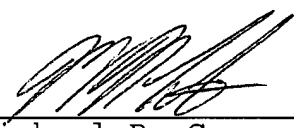
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By


Michael R. Cammarata, #39,491

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Attachment(s)

(Rev. 10/27/03)

IN THE U.S. PATENT AND TRADEMARK OFFICE

Applicant: SRIDHAR, Balakrishnan et al. Conf.:
Appl. No.: New Group:
Filed: November 20, 2003 Examiner:
For: METHOD AND APPARATUS FOR OPTICAL
AMPLIFYING DEVICE GAIN CONTROL WITH
GAIN THRESHOLD

REQUEST AND CERTIFICATION
UNDER 35 U.S.C. § 122(b)(2)(B)(i)

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

November 20, 2003

Sir:

I hereby certify that the invention disclosed in the attached application **has not and will not be** the subject of an application filed in another country, or under a multilateral agreement, that requires publication at eighteen months after filing. I hereby request that the attached application not be published under 35 U.S.C. 122(b).

This request must be signed in compliance with 37 C.F.R. § 1.33(b) and submitted with the application **upon filing**.

Applicant may rescind this nonpublication request at any time. If applicant rescinds a request that an application not be published under 35 U.S.C. 122(b), the application will be scheduled

for publication at eighteen months from the earliest claimed filing date for which a benefit is claimed.

If applicant subsequently files an application directed to the invention disclosed in the attached application in another country, or under a multilateral international agreement, that requires publication of applications eighteen months after filing, the applicant **must** notify the United States Patent and Trademark Office of such filing within forty-five (45) days after the date of the filing of such foreign or international application. **Failure to do so will result in abandonment of this application (35 U.S.C. 122(b)(2)(B)(iii)).**

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 02-2448 for any additional fees required under 37 C.F.R. § 1.16 or under 37 C.F.R. § 1.17; particularly, extension of time fees.

Respectfully submitted,

BIRCH, STEWART, KOLASCH & BIRCH, LLP

By 

Michael R. Cammarata, #39,491

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